

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

ANTHONY NORMAN	§	
VS.	§	CIVIL ACTION NO. 1:14cv289
BRAD LIVINGSTON, ET AL.	§	

MEMORANDUM OPINION AND ORDER

Plaintiff Anthony Norman, an inmate confined in the Wynne Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, brings this civil rights action pursuant to 42 U.S.C. § 1983 against Brad Livingston, Frank Hoke, Vicky Barrow, Robert Quada and Shelly Baldwin. Plaintiff alleges he has been denied access to the courts because the law library at the Wynne Unit is inadequate.

Analysis

The Civil Rights Act, 42 U.S.C. § 1981, *et. seq.*, under which this case is brought, does not contain a specific venue provision. Accordingly, venue in civil rights cases is controlled by 28 U.S.C. § 1391. *Jones v. Bailey*, 58 F.R.D. 453 (N.D. Ga. 1972), *aff'd per curiam*, 480 F.2d 805 (5th Cir. 1973).

When, as in this case, jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue is proper only in the judicial district where the defendants reside or in which the claim arose.

The Wynne Unit is located in Walker County, Texas. The actions of which plaintiff complains occurred in Walker County. As a result, plaintiff's claims arose in Walker County. Pursuant to 28 U.S.C. § 124, Walker County is located in the Houston Division of the United States

District Court for the Southern District of Texas. None of the defendants reside within the Eastern District of Texas. As a result, venue is not proper in this court.

When a case is filed in the wrong district or division, the court “shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. § 1406(a). As the events which form the basis of this lawsuit occurred in Walker County, this matter should be transferred to the Southern District.

ORDER

For the reasons set forth above, it is **ORDERED** that this case is **TRANSFERRED** to the Houston Division of the United States District Court for the Southern District of Texas.

SIGNED this 1st day of August, 2014.



Zack Hawthorn
United States Magistrate Judge